

5:06cv70

Defendants.

ORDER

In conducting review of the pending motions, the court has closely reviewed the docket inasmuch as prior to reaching motions for summary judgment, this court requires full compliance with the Pretrial Order. Review of the Pretrial Order reveals that mediation was due to be completed not later than May 1, 2007, and Local Rule 16.3(C)(3) requires that a mediator's report be filed with the court within seven days

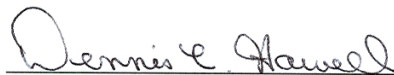
of the conclusion of the conference. The court assumes that such deadline was complied with and that failure to file the report is mere oversight. Respective counsel shall, therefore, comply with Local Rule 16.3(C)(3) and the Pretrial Order by August 17, 2007, by filing the required report showing that mediation was in fact completed on or before the deadline established by the Pretrial Order.

Finally, counsel for the respective parties are advised to closely review the pretrial filings and exchanges as provided in Section IV of the Pretrial Order. While the Pretrial Order allows many of the filings and exchanges to occur up to one week before trial, the court has found that making the exchanges at the Final Pretrial Conference (if such can be agreed to by the parties) creates a much smoother trial.

ORDER

IT IS, THEREFORE, ORDERED that a Final Pretrial Conference is calendared for September 12, 2007, at 12 noon in the Courtroom #2 in Asheville. Oral arguments are **CALENDARED** to be heard at that time on defendants' motions for summary judgment (#51 & #54) and counterclaim defendant's Motion for Summary Judgment (#49).

Signed: August 10, 2007



Dennis L. Howell
United States Magistrate Judge

